

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LADANTIA HITCHCOCK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALLEN HITCHCOCK,

Respondent-Appellant.

UNPUBLISHED

May 25, 2001

No. 227506

Wayne Circuit Court

Family Division

LC No. 95-334502

Before: Jansen, P.J., and Zahra and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (h); MSA 27.3178(598.19b)(3)(c)(i) and (h).¹ We affirm. This case is being decided without oral argument under MCR 7.214(E).

Respondent argues that the trial court prematurely terminated his parental rights because an appeal of his criminal convictions was pending at the time of the termination hearing. Because this Court subsequently affirmed respondent's convictions and sentences, see *People v Hitchcock*, unpublished opinion of the Court of Appeals, issued May 2, 2000 (Docket No. 209511), we find that this issue is moot. *Ardt v Titan Ins Co*, 233 Mich App 685, 693; 593 NW2d 215 (1999).

In light of respondent's lengthy prison sentence, the trial court did not clearly err in finding that § 19b(3)(h) was established by clear and convincing evidence. MCR

¹ The trial court's statements on the record and the termination order are consistent with regard to § 19b(3)(h). However, there is a discrepancy in the record regarding the second statutory ground for termination. Although the trial court did not specifically refer to § 19b(3)(g) on the record, it articulated the language from that subsection when announcing the basis for its decision. However, the court's order cites § 19b(3)(c)(i), not § 19b(3)(g), as a statutory basis for termination.

5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Because it is necessary to establish only one statutory ground for termination, *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999), and because there was clear and convincing evidence to support termination of respondent's parental rights under § 19b(3)(h), we need not resolve the discrepancy concerning the second statutory ground for termination or determine whether that ground was established by clear and convincing evidence.

Finally, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Kathleen Jansen

/s/ Brian K. Zahra

/s/ Donald S. Owens